

Date

Mr. Ryan M. Seidemann, J.D., Ph.D., R.P.A.
Chairman
Statewide Cemetery Response Task Force
P.O. Box 94005
Baton Rouge, LA 70804-9005

**Re: Louisiana Board of Ethics Docket No. 2021-1016
Advisory Opinion**

Dear Mr. Seidemann:

The Louisiana Board of Ethics, at its February 4, 2022 meeting, considered your request for an advisory opinion regarding whether the Code of Governmental Ethics ("Code") would require members of the Statewide Cemetery Response Task Force and/or their designees to file annual personal financial disclosure statements pursuant to La. R.S. 42:1124.2.1.

FACTS PROVIDED

You stated that the Statewide Cemetery Response Task Force (CRTF) was created by Act 713 in 2018, La. R.S. 29:726.4 to assess response and recovery needs related to cemeteries during any emergency declaration by the state or any parish thereof. The CRTF is activated at the request of the director of the Governor's Office of Homeland Security and Emergency Preparedness when the state or a parish has issued an emergency declaration and there is evidence that damage has occurred to a cemetery.

The CRTF has the power to (1) determine whether response and recovery efforts related to cemeteries are necessary; (2) when response is necessary, make recommendations for the nature of the response; (3) provide subject matter expertise as requested during the response; (4) may direct available parish and local resources for the response; (5) coordinate with any relevant federal agencies on cemetery impacts response and recovery; (6) coordinate with any impacted parish or local government on the cemetery impacts response and recovery; (7) coordinate with any non-governmental organizations, funeral directors, monument and vault companies, churches, cemetery authorities, associations, and vendors involved in the cemetery impacts response and recovery; and, (8) advise the director of the Governor's Office of Homeland Security and Emergency Preparedness of any public health or other concerns related to disinterred remains for which the person responsible for disposition cannot be located. The CRTF does not directly maintain, or maintain the authority for, expenditures, funds or debts.

The CRTF does work with the Federal Emergency Management Agency in the administration of its Individual Assistance and Public Assistance Programs; however, those funds are solely controlled by FEMA. Claims must be made to obtain assistance through one of FEMA's

programs. The CRTF does not directly handle such funding, but rather monitors the claim process to ensure that the funds are paid by FEMA and then are properly used by the applicant.

Any and all funding and contracts let for the CRTF's other obligations is exclusively managed by the Governor's Office of Homeland Security and Emergency Preparedness.

LAW

La. R.S. 42:1124.2.1 requires financial disclosure for each member and designee of a board or commission which has the authority to expend, disburse or invest \$10,000 or more of funds in a fiscal year on or before May 15th of each year during which the person holds office and the year following termination of the holding of such office.

CONCLUSION

The Board concluded, and instructed me to inform you, that the Code of Governmental Ethics would **not** require members of the Statewide Cemetery Response Task Force and/or their designees to file annual personal financial disclosure statements pursuant to La. R.S. 42:1124.2.1 since the CRFT does not have the authority to expend, disburse or invest \$10,000 or more in funds in a fiscal year.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Louisiana Code of Governmental Ethics. The Louisiana Board of Ethics issues no opinion as to past conduct or as to laws other than the Code of Governmental Ethics, the Campaign Finance Disclosure Act, the Lobbyist Disclosure Acts, and the conflict of interest provisions contained in the Louisiana Gaming Control Law. If you have any questions, please contact me at (800) 842-6630 or (225) 219-5600.

Sincerely,

LOUISIANA BOARD OF ETHICS

Tracy M. Barker
Deputy General Counsel
For the Board